

his food. Ms. Garrett returned to the student at third time. Ms. Mort stated that Ms. Garrett harshly yelled at the student to eat his food in the proper order.

The last time Ms. Mort observed something of concern was approximately 4-5 weeks ago, right after Hurricane Jeanne, when an ESE student named [REDACTED] arrived at the school between 930 AM and 945 AM with wet pants from urinating. [REDACTED] is approx. 11-12 years of age. Ms. Mort recalled that she took [REDACTED] in to the restroom which is within the classroom to change his clothes and put him on the toilet. Ms. Garrett walked in to the restroom. While he was sitting on the commode and Ms. Mort was assisting the child with removing his pants, the child was bent over forward. Using the palm of her hand, Ms. Garrett allegedly struck the child rather forcefully on the back of his head and said, "You will not piss your pants in my class." The force of the contact was sufficient to force the child's head on to his knees. Ms. Mort said [REDACTED] is not very large for his age. Ms. Mort told Ms. Garrett that that was enough...I can handle it from here. At that point, Ms. Garrett walked out of the bathroom and returned to the classroom.

Ms. Mort described another incident that happened approximately one week prior to the previously described incident above that involved the same child. She said that sometimes [REDACTED] arrives from home in an agitated state. When he is agitated and because he is non-verbal he sometimes pinches people with his fingers to get attention. Once Ms. Mort gets [REDACTED] seated at his desk, Ms. Rodriguez (the other assistant) took some students to another area of school which left Ms. Garrett and Ms. Mort in the classroom. Shortly after the others left, Ms. Garrett walked over to [REDACTED] to help him with some work at which time [REDACTED] attempted to pinch Ms. Garrett.

Ms. Garrett then grabbed [REDACTED] by his upper arms, pulled him out of his seat and to the side of the desk, grabbed one of [REDACTED] arms and bent it behind his back, then pushed him over on to the desk face down. She placed her body weight on top of him while he was down on the desk. While still holding one arm behind [REDACTED] back which was now between her body and his, she used her other hand to force his head downward on the desk. The front of [REDACTED] neck was pressed against the edge of the desk with so much force, that Ms. Mort said [REDACTED] lips were starting to turn blue and his eyes were bulging. While holding him in this position, Ms. Garrett told [REDACTED] that "you will not pinch in my class." She held him in this position for several minutes. [REDACTED] was crying and tried to look up at Ms. Garrett. Ms. Mort alleged that Ms. Garrett said to [REDACTED] "Fuck you, stop that crying."

Ms. Mort told Ms. Garrett that she needed to stop and get off the child. When she got off the child and [REDACTED] rose from the desk, Ms. Mort noticed a distinct red mark on his neck where it had been forced against the edge of the desk. Ms. Mort stated that she saw no justification for the force used by Ms. Garrett because [REDACTED] had not show any physical aggression toward her except for his normal act of trying to pinch her.

Ms. Mort said that when Ms. Rodriguez returned to the class approximately 40 minutes after the incident, Ms. Rodriguez spontaneously asked what had happened to [REDACTED] because she noticed the red mark on [REDACTED] neck that was still visible.

Ms. Mort related information regarding another incident involving a verbal ESE student by the name [REDACTED]. The incident occurred earlier during the current school year. [REDACTED] is about the same age as [REDACTED]. On the day of the incident, [REDACTED] came to school in the morning exhibiting an insect bite on his cheek. [REDACTED] had been sent to the clinic to by the teacher of a previous class to have the insect bite checked, before returning to the next class period with Ms. Garrett. The clinic provided the child with an ice pack to help reduce the itching associated with the insect bite.

When he entered the classroom, [REDACTED] was scratching the insect bite. Ms. Mort said the first thing that Ms. Garrett said to the child, "Do not scratch that in my class." He said, "But it itches." Ms. Garrett said, "I don't care, get to work and leave it alone." [REDACTED] continued to scratch the insect bite. Ms. Garrett went over to him and told him, "You will do your work right now and leave it alone and get started with this task right now." This occurred repeatedly with Ms. Garrett telling him to get on with his task. [REDACTED] eventually told Ms. Garrett that he didn't want to do the task at that time. Upon this comment, Ms. Garrett walked over to